

MISSOURI COURT OF APPEALS WESTERN DISTRICT

WILLIAM GETZ,

Appellant,

v.

TM SALINAS, INC.,

Respondent.

DOCKET NUMBER WD76251

Date: October 15, 2013

Appeal from:
Jackson County Circuit Court
The Honorable John M. Torrence, Judge

Appellate Judges:
Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Gary D. Witt, Judges

Attorneys:
Eddie G. Dougherty, Kansas City, MO, for appellant.
Stephen J. Fields, Clayton, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

WILLIAM GETZ

Appellant,

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TM SALINAS, INC.,

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Jackson County

Before Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Gary D. Witt, Judges

William Getz appeals the circuit court's judgment dismissing, without prejudice, his petition for damages against TM Salinas, Inc. ("Salinas"). The court dismissed his petition on the basis that the allegations in the petition were conclusory and did not set forth sufficient minimum contacts between Salinas and Missouri to warrant the exercise of personal jurisdiction over Salinas. On appeal, Getz contends his petition alleges sufficient jurisdictional facts.

AFFIRMED.

Division Three holds:

The circuit court properly dismissed Getz's petition for failing to allege sufficient minimum contacts to warrant Missouri's exercising personal jurisdiction over Salinas. Salinas is a Kansas corporation that is not registered in Missouri, does not own, operate, manage, or control any business or property in Missouri, does not conduct business within Missouri, has never paid for direct advertising in Missouri, and has

never advertised or solicited applications for an open employment position specifically in Missouri. Because all of Salinas's purported acts of negligence and omissions occurred in Kansas and Getz is a Kansas resident, Missouri has little, if any, interest in providing a forum for this lawsuit. Getz's petition fails to allege any conduct by Salinas or any connection between Salinas and Missouri demonstrating that Salinas has purposefully availed itself of the privilege of conducting activities within Missouri such that it should reasonably anticipate being haled into court here.

Opinion by: Lisa White Hardwick, Judge

October 15, 2013

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